

REMARKS

An Office Action was mailed on August 14, 2007. Claims 1-11 are pending. Claims 8-10 are canceled.

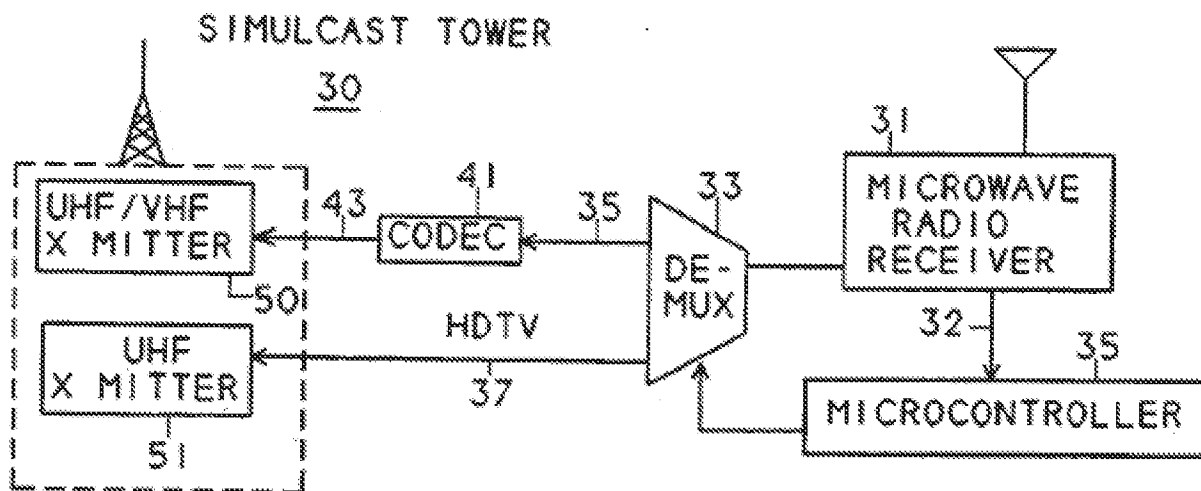
Claims 1-11 are rejected under 35 U.S.C. §102(b) as being anticipated by Totty (U.S. Patent 5,412,426). Reconsideration is requested in view of the amendments and arguments presented herewith.

Claim 1 requires “the receiver comprising a selector for selecting on basis of said information at least one of the mutually corresponding signals based on capabilities of the receiver to process only said selected at least one of the mutually corresponding signals for presentation to a user.” Thus, the receiver, based on information provided in connection with the mutually corresponding signals, selects only those signals that it is able to process for presentation to a user. In other words, the selection of signals is based on the receiver’s ability to process and present such signals to a user.

In the Office Action dated August 14, 2007, Totty is asserted against claims 6 and 7 with reference to column 3, line 64 through column 4, line 6, reproduced as follows through column 4, line 13::

“...At the tower, the received signals are demodulated by a digital microwave radio receiver 31 and coupled to a demultiplexer 33. In accordance with conventional digital signal processing techniques, an attendant microcontroller 35, which is coupled to microwave radio receiver 31 by way of link 32, uses the recovered clock and framing signals embedded in the incoming combined digital channel signals to control the operation of demultiplexer 33, so as to separate out the respective HDTV and NTSC components into output paths 35 and 37. The NTSC signal in path 35 is applied to a codec 41, which recovers the original analog format of the studio-sourced NTSC signals on output link 43 to a UHF/VHF transmitter 50, so that they may be broadcast over (VHF/UHF) channels by transmission tower 30. Similarly, the HDTV signals on path 37 are coupled via link 45 to a digitally driven UHF transmitter unit 51 for broadcast by tower 30.”

This is also illustrated in connection with the following figure in Totty:



However, it is fairly clear that the only “selecting” taking place in Totty is non-discretionary at the demultiplexer, and not at the receiver (31) or, more analogously with the present application, at a receiver that receives signals from the transmission tower (30). Totty simply discloses that a combined signal can be split into its component parts in preparation for selected transmission. Totty does not disclose the selection *at a receiver* of a portion of a mutually corresponding signal ***based on the capabilities of the receiver to process*** the signals.

Accordingly, Applicant respectfully disagrees with the Examiner that the claims are taught by the cited reference. The Manual For Patenting Examining Procedure (MPEP) § 2131 clearly sets forth the standard for rejecting a claim under 35 U.S.C. § 102(b). “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” (MPEP § 2131, quoting Verdegaal Bros. v. Union Oil Co. of California 2 USPQ2d 1051, 1053 (Fed Cir. 1987)). “The identical invention must be shown in as complete detail as is contained in the ...claim.” (MPEP § 2131, quoting Richardson v. Suzuki Motor Co., 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)). “The elements must be arranged as required by the claim, but this is not an *ipsissimis verbis* test, i.e. identity of terminology is not required.” (MPEP § 2131, citing In re Bond, 15 USPQ2d 1566 (Fed. Cir. 1990)).

In this case, the cited reference fails to teach claim 1 and the claims dependent therefrom as required by the MPEP. In addition, as claim 11 also includes the element "selecting on basis of said information at least one of the mutually corresponding signals based on capabilities of the receiver to process only said selected at least one of the mutually corresponding signals," Applicant respectfully submits that claim 11 is also allowable over Totty.

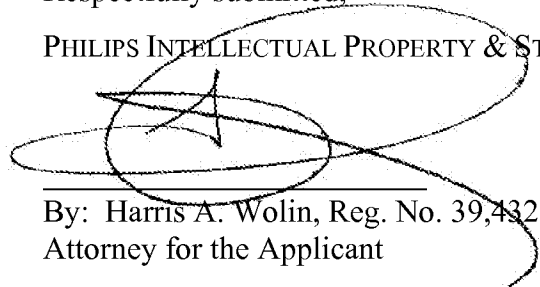
For the foregoing reasons, reconsideration is respectfully requested.

An earnest effort has been made to be fully responsive to the Examiner's objections. In view of the above amendments and remarks, it is believed that claims 1-7 and 11 are in condition for allowance. Passage of this case to allowance is earnestly solicited. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper, not already paid through an EFS-Web filing, may be charged to Deposit Account No. 50-3894. Any overpayment may be credited to Deposit Account No. 50-3894.

Respectfully submitted,

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A large, stylized handwritten signature in black ink, appearing to be "H. Wolin", is written over the printed name and title.

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